



Wisconsin Legislative Reference Bureau

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**EXECUTIVE VETOES OF BILLS  
PASSED BY THE 2015 LEGISLATURE,  
EXCLUDING THE EXECUTIVE BUDGET ACT**

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## EXECUTIVE VETOES OF BILLS PASSED BY THE 2015 LEGISLATURE, EXCLUDING THE EXECUTIVE BUDGET ACT

### I. INTRODUCTION

This report contains the veto messages of Governor Scott Walker affecting all legislation, except the executive budget act, 2015 Wisconsin Act 55, as passed by the 2015 Wisconsin Legislature. See *Wisconsin Brief 15-14* for the partial vetoes of 2015 Wisconsin Act 55.

#### Status of Legislation

During the 2015 legislative session, there were 1,830 bills introduced, of which 392 were enacted into law, two were vetoed in full, and five were vetoed in part.

#### Completely Vetoed Bills

2015 Senate Bill 87 . . . . .	Page 3
2015 Senate Bill 360 . . . . .	Page 3

#### Partially Vetoed Bills

2015 Wisconsin Act 55 . . . . .	See <i>Wisconsin Brief 15-14</i>
2015 Wisconsin Act 118 . . . . .	Page 4
2015 Wisconsin Act 150 . . . . .	Page 5
2015 Wisconsin Act 358 . . . . .	Page 6
2015 Wisconsin Act 388 . . . . .	Page 7

#### Report Format

This report provides the following information:

1. The legislative action for each partially vetoed bill, including the vote for final passage in each house and the page number of the loose-leaf journals in each house referring to the vote. “S.J.” stands for Senate Journal; “A.J.” stands for Assembly Journal.
2. The text of the governor’s veto message for each bill.
3. For partially vetoed bills, the sections of the act in which the veto occurred, with the vetoed material indicated by a distinguishing shading.

### II. HISTORY OF VETO PROCESS

Wisconsin governors have had the constitutional power to veto bills in their entirety since the ratification of the Wisconsin Constitution in 1848. In November 1930, the people of Wisconsin approved a constitutional amendment granting the governor the additional power to veto appropriation bills in part. The new partial veto authority was used immediately beginning with the 1931 session.

Article V, Section 10, Wisconsin Constitution, grants the veto power to the governor. The following is reprinted from the *Annotated Wisconsin Constitution*, published January 20, 2016:

**Governor to approve or veto bills; proceedings on veto.** SECTION 10. [*As amended Nov. 1908, Nov. 1930, April 1990 and April 2008*]

(1) (a) Every bill which shall have passed the legislature shall, before it becomes a law, be presented to the governor.

(b) If the governor approves and signs the bill, the bill shall become law. Appropriation bills may be approved in whole or in part by the governor, and the part approved shall become law.

(c) In approving an appropriation bill in part, the governor may not create a new word by rejecting individual letters in the words of the enrolled bill, and may not create a new sentence by combining parts of 2 or more sentences of the enrolled bill.

(2) (a) If the governor rejects the bill, the governor shall return the bill, together with the objections in writing, to the house in which the bill originated. The house of origin shall enter the objections at large upon the journal and proceed to reconsider the bill. If, after such reconsideration, two-thirds of the members present agree to pass the bill notwithstanding the objections of the governor, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present it shall become law.

(b) The rejected part of an appropriation bill, together with the governor's objections in writing, shall be returned to the house in which the bill originated. The house of origin shall enter the objections at large upon the journal and proceed to reconsider the rejected part of the appropriation bill. If, after such reconsideration, two-thirds of the members present agree to approve the rejected part notwithstanding the objections of the governor, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present the rejected part shall become law.

(c) In all such cases the votes of both houses shall be determined by ayes and noes, and the names of the members voting for or against passage of the bill or the rejected part of the bill notwithstanding the objections of the governor shall be entered on the journal of each house respectively.

(3) Any bill not returned by the governor within 6 days (Sundays excepted) after it shall have been presented to the governor shall be law unless the legislature, by final adjournment, prevents the bill's return, in which case it shall not be law. [*1905 J.R. 14, 1907 J.R. 13, 1907 c. 661, vote Nov. 1908; 1927 J.R. 37, 1929 J.R. 43, vote Nov. 1930; 1987 A.J.R. 71, 1989 S.J.R. 11, vote April 1990; 2005 J.R. 46, 2007 J.R. 26, vote April 2008*]

### III. COMPLETELY VETOED BILLS

#### Senate Bill 87: Inspection of certain renovations of one–family and two–family dwellings

On September 16, 2015, the senate adopted Senate Amendment 1 to Senate Bill 87 on a voice vote, S.J. 9/16/15, p. 418, and passed Senate Bill 87, as amended, on a voice vote, S.J. 9/16/15, p. 418.

On February 18, 2016, the assembly concurred in Senate Bill 87 by a vote of 65 to 29, A.J. 2/18/16, p. 756.

On April 25, 2016, the Governor vetoed Senate Bill 87, S.J. 4/25/16, p. 862.

#### TEXT OF GOVERNOR’S VETO MESSAGE

April 25, 2016

To the Honorable Members of the Senate:

I am vetoing **Senate Bill 87** in its entirety and am returning it to the Senate because I object to the regulatory burden that the bill would place on individual homeowners and the cost it would impose on state and local government.

The bill would require the Department of Safety and Professional Services to promulgate rules that require an inspection of an addition to, remodeling of, improvement to or other alteration of a one– or two–dwelling that exceeds 20 percent of the dwelling’s assessed value. The bill would also allow local units of government to require an inspection of a dwelling when the remodeling,

improvement or other alteration does not exceed 20 percent of the dwelling’s assessed value.

This legislation would add unnecessary regulatory burdens, costs and delays for homeowners who are trying to remodel or otherwise improve their homes. In addition, the bill would increase administrative costs for the Department of Safety and Professional Services, as well as for local units of government. I am committed to fostering private property rights and restoring the balance between private property owners and the government. I believe that this bill would contradict those efforts.

Respectfully submitted,

SCOTT WALKER

Governor

#### Senate Bill 360: Modifying and repealing various rules promulgated by the Department of Transportation

On February 9, 2016, the senate adopted Senate Amendments 1 and 2 to Senate Bill 360 on a voice vote, S.J. 2/9/16, p. 694, and passed Senate Bill 360, as amended, on a voice vote, S.J. 2/09/16, p. 694.

On February 18, 2016, the assembly concurred in Senate Bill 360 on a voice vote, A.J. 2/18/16, p. 735.

On April 25, 2016, the Governor vetoed Senate Bill 360, S.J. 4/25/16, p. 862.

#### TEXT OF GOVERNOR’S VETO MESSAGE

Governor’s Veto Message

April 25, 2016

To the Honorable Members of the Senate:

I am vetoing **Senate Bill 360** in its entirety and returning it to the Senate. The bill contains numerous changes to a wide array of the Department of Transportation’s administrative rules. These changes are both technical and substantive in nature.

I object to the bill because it contains substantive policy changes to the Department of Transportation’s administrative rules while simultaneously lacking the economic impact analyses and consultations with businesses, associations representing businesses, local govern-

ments and individuals affected by the proposed changes required by s. 227.137, Wisconsin Statutes, and 2011 Executive Order 50. While I support the Right–The–Rules initiative, I believe the broad scope of the bill limits the Legislature’s and public’s ability to fully analyze these proposed changes. Therefore, I am vetoing the bill.

Respectfully submitted,

SCOTT WALKER

Governor

**IV. PARTIALLY VETOED BILLS**

**2015 Wisconsin Act 118 (Assembly Bill 388):  
Reorganizing the Government Accountability Board**

On October 21, 2015, the Assembly adopted Assembly Amendments 1 and 4 to Assembly Bill 388 on a voice vote, A.J. 10/21/15, p. 338, and passed Assembly Bill 388, as amended, by a vote of 58 to 39, A.J. 10/21/15, p. 339.

On November 6, 2015, the Senate adopted Senate Amendment 1 to Assembly Bill 388 by a vote of 18 to 14 and adopted Senate Amendment 2 to Assembly Bill 388 on a voice vote, S.J. 11/6/15, and concurred in Assembly Bill 388 by a vote of 18 to 14, S.J. 11/6/15, p. 524.

On November 16, 2015, the Assembly concurred in Senate Amendment 1 to Assembly Bill 388 by a vote of 58 to 37, Paired 2, A.J. 11/16/15, p. 423, and concurred in Senate Amendment 2 to Assembly Bill 388 by a vote of 56 to 37, A.J. 11/16/15, p. 423.

On December 16, 2015, the Governor approved in part and vetoed in part Assembly Bill 388, and the part approved became 2015 Wisconsin Act 118, A.J. 12/16/15, p. 454. The date of enactment is December 16, 2015, and the date of publication is December 17, 2015, and, as provided by section 991.11, Wisconsin Statutes, the effective date of all provisions of the act is December 18, 2015, except those provisions for which the act expressly provides a different date.

**TEXT OF GOVERNOR’S VETO MESSAGE**

December 16, 2015

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 388** as 2015 Wisconsin Act 118 and have deposited it in the Office of the Secretary of State. I have exercised the partial veto in Section 170, as it relates to s. 15.61 (1) (a) (5) and Section 172, as it relates to s. 15.62 (1) (a) (5).

Assembly Bill 388 reorganizes the Government Accountability Board into the Elections and Ethics Commissions in order to ensure transparency and accountability of the oversight of elections, ethics, lobbying and campaign finance laws for the people of the state of Wisconsin. While I fully support the bill, I am making one minor change.

I have exercised the partial veto in Section 170, as it relates to s. 15.61 (1) (a) (5) and Section 172, as it relates

to s. 15.62 (1) (a) (5), in order to ensure that I receive an adequate number of nominations for the commission appointments of county or municipal clerks and former judges. These provisions require that legislative leadership from each party prepare lists of not more than three individuals for the Governor’s two nominations of county or municipal clerks for the Elections Commissions and of former judges for the Ethics Commission. The partial veto will ensure that I receive three nominations for each appointment.

Respectfully submitted,

SCOTT WALKER

Governor

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*Sections 170 and 172*

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**Governor’s written objections**

I have exercised the partial veto in Section 170, as it relates to s. 15.61 (1) (a) (5) and Section 172, as it relates to s. 15.62 (1) (a) (5), in order to ensure that I receive an adequate number of nominations for the commission appointments of county or municipal clerks and former judges. These provisions require that legislative leadership from each party prepare lists of not more than three individuals for the Governor’s two nominations of county or municipal clerks for the Elections Commissions and of former judges for the Ethics Commission. The partial veto will ensure that I receive three nominations for each appointment.

**Cited segments of 2015 Assembly Bill 388:**

**SECTION 170.** 15.61 (1) (a) 1. to 6. of the statutes are created to read:

15.61 (1) (a)

5. Two members who formerly served as county or municipal clerks and who are nominated by the governor, with the advice and consent of a majority of the members of the senate confirmed. The legislative leadership of the 2 major political parties that received the largest number of votes for president shall prepare a list of **not more than 3** individuals such that each major political party has prepared one list. The governor shall choose one nominee from each list.

**SECTION 172.** 15.62 of the statutes is created to read: **15.62 Ethics commission; creation. (1) (a)**

5. Two individuals who formerly served as judges for a court of record in this state, who were elected to the positions in which they served, and who are nominated by the governor with the advice and consent of a majority of the members of the senate confirmed. The legislative leadership of the 2 major political parties that received the largest number of votes for president shall prepare a list of **not more than 3** individuals such that each major political party has prepared one list. The governor shall choose one nominee from each list.

**Vetoed  
In Part**

**Vetoed  
In Part**

**2015 Wisconsin Act 150 (Assembly Bill 373): The state civil service**

On October 27, 2015, the Assembly adopted Assembly Amendments 1 and 2 to Assembly Bill 373 on a voice vote, A.J. 10/27/15, p. 360, and passed Assembly Bill 373, as amended, by a vote of 57 to 35, Paired 2, A.J. 10/27/15, p. 362.

On January 20, 2016, the Senate concurred in Assembly Bill 373 by a vote of 19 to 14, S.J. 1/20/16, p. 632.

On February 12, 2016, the Governor approved in part and vetoed in part Assembly Bill 373, and the part approved became 2015 Wisconsin Act 150, A.J. 2/12/16, p. 652. The date of enactment is February 12, 2016, and the date of publication is February 13, 2016, and, as provided by section 991.11, Wisconsin Statutes, the effective date of all provisions of the act is February 14, 2016, except those provisions for which the act expressly provides a different date.

**TEXT OF GOVERNOR'S VETO MESSAGE**

February 12, 2016

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 373** as 2015 Wisconsin Act 150 and have deposited it in the Office of the Secretary of State. I have exercised the partial veto in section 94.

Assembly Bill 373 modernizes state employment practices. The bill places a high priority on job performance and accountability in order to ensure that Wisconsin tax dollars are well spent and the best employees are rewarded for their dedicated service. It streamlines hiring, termination, layoff and grievance processes to be both clearer for employees and employers and more efficient overall. While I fully support the bill, I am making one change to it.

The bill requires the Division of Personnel Management to study certain aspects of the state civil service and

report its findings to the Governor and the Legislature by January 1, 2017. I am exercising the partial veto in Section 94 to remove the prescribed distribution of the report. While I support the study included in the legislation, managing the state workforce is an executive branch function. If additional statutory changes are recommended as part of this study, I will review and discuss with legislative leadership.

This legislation will ensure that state government attracts and retains the most highly qualified employees to deliver efficient customer services to our taxpayers.

Respectfully submitted,

SCOTT WALKER

Governor

Section 94

**Governor’s written objections**

The bill requires the Division of Personnel Management to study certain aspects of the state civil service and report its findings to the Governor and the Legislature by January 1, 2017. I am exercising the partial veto in Section 94 to remove the prescribed distribution of the report. While I support the study included in the legislation, managing the state workforce is an executive branch function. If additional statutory changes are recommended as part of this study, I will review and discuss with legislative leadership.

**Cited segments of 2015 Assembly Bill 373:**

**SECTION 94. Nonstatutory provisions.**

(1) STUDY OF CERTAIN ASPECTS OF THE STATE CIVIL SERVICE SYSTEM.

(b) The administrator and director shall submit their findings under paragraph (a) no later than January 1, 2017, to the governor and to the chief clerk of each house of the legislature for distribution to the legislature under

section 13.172 (2) of the statutes . The administrator shall also submit any requested changes to the compensation plan under section 230.12 (1) of the statutes that result from the joint review under paragraph (a) 3. to the joint committee on employment relations no later than January 1, 2017.

**Vetoed  
In Part**

**Vetoed  
In Part**

**2015 Wisconsin Act 358 (Senate Bill 434): Managed forest lands**

On February 9, 2016, the senate adopted Senate Substitute Amendment 1 to Senate Bill 434 on a voice vote, S.J. 2/9/16, p. 700, and passed Senate Bill 434, as amendment, by a vote of 20 to 11, S.J. 2/9/16, p. 700.

On February 18, 2016, the assembly concurred in Senate Bill 434 by a vote of 62 to 32, Paired 2, A.J. 2/18/16, p. 741.

On April 14, 2016, the Governor approved in part and vetoed in part Senate Bill 434, and the part approved became 2015 Wisconsin Act 358, S.J. 4/14/16, p. 857. The date of enactment is April 14, 2016, and the date of publication is April 15, 2016, and, as provided by section 991.11, Wisconsin Statutes, the effective date of all provisions of the act is April 16, 2016, except those provisions for which the act expressly provides a different date.

**TEXT OF GOVERNOR’S VETO MESSAGE**

April 14, 2016

To the Honorable Members of the Senate:

I have approved **Senate Bill 434** as 2015 Wisconsin Act 358 and have deposited it in the Office of the Secretary of State. I have exercised the partial veto in section 52.

Senate Bill 434 requires the Department of Natural Resources to send by certified letter or electronic mail a decision of approval or denial of a cutting notice to the owner of managed forest law property no later than the end of the business day following the day the department decides on the notice. I am partially vetoing this provision because I object to the costs imposed on the department by requiring approval notices to be sent via certified mail. Additionally, the partial veto of this provision accomplishes the original intent of the bill’s authors.

Historically the department has received approximately 3,000 cutting notices annual. Currently, the department has access to the email address for only six percent of managed forest land owners. Sending an approval or denial in response to every notice at a rate of \$6.74 per contact would cost \$20,200. Assuming the number of email contacts grows to 50 percent, contacting the remaining 1,500 land owners would cost approximately \$10,100. By partially vetoing the provision and limiting the certified mail requirement for denials of cutting notices, the cost would drop to between \$300 and \$600 annually.

Respectfully submitted,  
SCOTT WALKER  
Governor

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 Section 52
 

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**Governor's written objections**

Senate Bill 434 requires the Department of Natural Resources to send by certified letter or electronic mail a decision of approval or denial of a cutting notice to the owner of managed forest law property no later than the end of the business day following the day the department decides on the notice. I am partially vetoing this provision because I object to the costs imposed on the department by requiring approval notices to be sent via certified mail. Additionally, the partial veto of this provision accomplishes the original intent of the bill's authors.

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**Cited segments of 2015 Senate Bill 434**

**SECTION 52.** 77.86 (1) (f) of the statutes is created to read:

77.86 (1) (f) The department shall send notice to the person who filed the notice of intention to cut by certified

letter or electronic mail no later than the end of the next business day of the department's decision to approve or deny a cutting notice and, if the department denies a cutting notice, the reason for the denial.

**Vetoed  
In Part**

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**2015 Wisconsin Act 388 (Assembly Bill 657): Treatment and diversion programs**

On February 16, 2016, the assembly adopted Assembly Substitute Amendment 2 to Assembly Bill 388 on a voice vote, A.J. 2/16/16, p. 669, and passed Assembly Bill 657, as amended, by a vote of 98 to 0, A.J. 2/16/16, p. 669.

On March 15, 2016, the senate concurred in Assembly Bill 657 by a vote of 32 to 0, S.J. 3/15/16, p. 821.

On April 26, 2016, the Governor approved in part and vetoed in part Assembly Bill 657, and the part approved became 2015 Wisconsin Act 388, S.J. 4/14/16, p. 857. The date of enactment is April 26, 2016, and the date of publication is April 27, 2016, and, as provided by section 991.11, Wisconsin Statutes, the effective date of all provisions of the act is April 28, 2016, except those provisions for which the act expressly provides a different date.

**TEXT OF GOVERNOR'S VETO MESSAGE**

April 26, 2016

To the Honorable Members of the Assembly:

I have approved **Assembly Bill 657** as 2015 Wisconsin Act 388 and have deposited it in the Office of the Secretary of State. I have exercised the partial veto on Section 4.

Assembly Bill 657 would create a new alternatives to prosecution and incarceration for persons who use alcohol or other drugs; grants appropriation in the Department of Justice. Funds placed in the appropriation would be used for making grants to counties under the Treatment Alternatives and Diversion program. The bill would also add a requirement that a program funded by a Treatment Alternatives and Diversion grant cannot prohibit a person from participating in the program due to the use of a medication that has been approved by the federal Food and Drug Administration to treat substance abuse. While I fully support the intent of the bill, I am eliminating one provision of it.

The bill requires the Department of Administration, when establishing base funding for the 2017-19 biennial budget, to increase the base funding for the alternatives to prosecution and incarceration for persons who use alcohol or other drugs; presentencing assessments appropriation by \$2,000,000 GPR. I am exercising the partial veto to strike Section 4, in order to remove this mandatory increase in base funding for the 2017-19 biennial budget. While I support the Treatment Alternatives and Diversion program, I object to this provision, as it mandates a biennial budget component, thereby contravening the statutory role of the executive in presenting budget recommendations to the Legislature. Additionally, it should also be noted that the Department of Justice has, in recent years, lapsed unspent Treatment Alternatives and Diversion program funds.

Respectfully submitted,  
SCOTT WALKER  
Governor

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*Section 4*

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**Governor’s written objections**

The bill requires the Department of Administration, when establishing base funding for the 2017–19 biennial budget, to increase the base funding for the alternatives to prosecution and incarceration for persons who use alcohol or other drugs; presentencing assessments appropriation by \$2,000,000 GPR. I am exercising the partial veto to strike Section 4, in order to remove this mandatory increase in base funding for the 2017–19 biennial budget. While I support the Treatment Alternatives and Diversion program, I object to this provision, as it mandates a biennial budget component, thereby contravening the statutory role of the executive in presenting budget recommendations to the Legislature. Additionally, it should also be noted that the Department of Justice has, in recent years, lapsed unspent Treatment Alternatives and Diversion program funds.

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**Cited segments of 2015 Assembly Bill 388**

**Vetoed  
In Part**

**SECTION 4. Nonstatutory provisions.**  
(1) TREATMENT AND DIVERSION PROGRAM GRANTS. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for purposes of the 2017–19 biennial budget bill, the department of administration shall submit information concerning the appropriation under section

20.455 (2) (em) of the statutes as though the amounts in the schedule under section 20.005 (3) of the statutes for the appropriation under section 20.455 (2) (em) is \$2,000,000 higher in each fiscal year than the amounts identified in the schedule under section 20.005 (3) of the statutes for fiscal year 2016–17.

**Vetoed  
In Part**

